



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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OFFICE OF THE REGIONAL
ADMINISTRATOR

JUN 19 2019

Mr. Larry Stap, President
Mr. Gerald Baron, Executive Director
Save Family Farming
P.O. Box 326
Everson Washington 98247

Dear Mr. Stap and Mr. Baron:

I am writing in response to the recent letters that you have sent to me and to Tate Bennett, Associate Administrator for Office of Public Engagement and Environmental Education. She has requested that I respond on her behalf.

The letters raise a number of concerns about the EPA's 2013 report, "Relation Between Nitrate in Water Wells and Potential Sources in the Lower Yakima Valley, Washington."

A primary concern pertains to the peer review process. When the EPA developed the report in 2012, we conducted both internal and external peer reviews and accepted public comment on the draft report. We revised the study where appropriate and shortly after finalizing it in 2013, we reached agreement with the dairies on the AOC. While some remain critical of the study, seven years later, the EPA has not received any scientific studies or data that would serve as a basis for reconsidering the study's conclusions.

The EPA followed its peer review policy in developing the Report. EPA's national peer review database, the Science Inventory, is the official mechanism for tracking a project's peer review process, including categorization of the appropriate level of peer review. The study was categorized as "Other" when the project was first entered into the database on March 22, 2012, and never changed from that time.

While we remain open to reviewing any new information offered by critics of the study, we do not think it would be useful to conduct a second peer review of a now seven-year-old study, the conclusions of which have been confirmed by subsequent data generated by the dairies themselves.

Developing a new report based upon the data gathered since 2013 could contribute to a further understanding of the issues. We are requesting that our national Office of Research and Development help us explore options regarding appropriate level of review for any new report.

As you know, the dairies submit annual reports to the EPA that include the data collected and the work they completed during the previous year. We have posted that information at:

[ftp://ftp.epa.gov/reg10ftp/sites/yakima/Consent Order Deliverables/01 Annual Progress Reports/](ftp://ftp.epa.gov/reg10ftp/sites/yakima/Consent%20Order%20Deliverables/01%20Annual%20Progress%20Reports/).

The data in the annual reports are consistent with the 2013 EPA report's conclusions regarding the dairies' manure handling practices and associated impacts to groundwater, including drinking water

wells. The data also indicate that the source control actions taken by the dairies have begun to reduce the nitrate concentrations in groundwater. Though there is still more work to be done, EPA is pleased to see this progress.

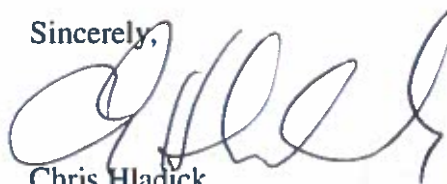
The May 23rd letter to Tate Bennett stated, *"The data used to document the dairies' contribution to nitrate contamination in the groundwater was false, or as we believe, falsified."* This is a very serious allegation. The data for the 2013 report were collected under the authority of the Safe Drinking Water Act. As the EPA team explained in the March 2013 response to public comments,¹ sample collection and analysis was conducted consistent with EPA's data quality system, including but not limited to EPA's Quality System Policy and Manual, the EPA Region 10 Quality Management Plan, and EPA-approved Quality Assurance Project Plans (QAPP). These documents outline the policies, required documentation and procedures that we follow to ensure that environmental data generated and used to support agency decisions are of adequate quality, objectivity, integrity and defensibility for their intended purpose.

The AOC dairies themselves have never made such a claim, nor was it raised in a federal court case where the 2013 study was a central issue. And, as noted above, data generated by the dairies under the AOC are consistent with the 2013 EPA report. If you have information to support this claim, we will look at it carefully.

When I visited the Yakima Valley dairies last spring, I was impressed by the dairies' improved waste management practices and success in reducing the elevated levels of nitrogen in crop fields. We continue to work to find flexibilities under the legal agreement to enable the dairies to pursue nutrient capture and recycle technologies, including an overhaul of the digester on the DeRuyter farm. That digester renovation is on its way to turning dairy waste into clean natural gas.

The EPA and the U.S. Department of Agriculture (USDA) have been working for decades to reduce nutrient losses – including nitrate – from agricultural lands. We are working with other federal agencies, states, tribes and stakeholders to develop solutions tailored to the needs of specific communities and watersheds. I am committed to finding a path forward that protects public health and supports dairies.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Hladick", written over a horizontal line.

Chris Hladick
Regional Administrator

¹ftp://ftp.epa.gov/reg10ftp/sites/yakima/EPA_2013_Report/EPA_Responsiveness_Summary/responsiveness_summary_march2013.pdf